THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.1298 of 2006

Dated: 31-01-2006

Uppada Appili.

..... PETITIONER

AND

The District Collector, and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.1298 of 2006

ORDER:

The case of the petitioner is that her husband Appanna was granted a temporary patta assigning land to an extent of Ac.3-10 cents situated in Survey No.6/3 of Gambiram Village, Anandapuram Mandal, Visakhaaptnam District. She alleges that her husband was in possession of the land and cultivating the same. Her husband died on 20-11-2005. After his death, the petitioner made a representation on 27-12-2005 to the respondents 2and 3 requesting for grant of a regular permanent patta, in vain. She also alleges that in January, 2006, the third respondent along with other officials came and directed the petitioner to vacate the land and threatened to evict her forceably. Aggrieved by the same, the petitioner filed the instant writ petition seeking a writ of Mandamus declaring the action of the respondents in trying to dispossess her as illegal and arbitrary, and for a consequential direction to issue permanent patta in her favour.

The matter was initially listed before this Court on 25-01-2006. At the request of the

learned Assistant Government Pleader for Revenue (General), the matter was adjourned to enable him to get instructions in the matter. After getting instructions in the matter, the learned Assistant Government Pleader submits that in 1970, the patta was granted to the petitioner's husband, but he did not bring the land into cultivation. He further submits that the land admeasuring Ac.2-00 is occupied by one Bommidi Suryanarayana, the present Sarpanch of Lodagalavanipalem Village of Anandapuram Mandal, and necessary action is being initiated to resume the land for violation of conditions of assignment.

The assignment of the land by way of a temporary patta to the petitioner's husband is not denied. In case the land is not brought into cultivation or the land has been transferred to anybody or to the present Sarpanch, the respondents have to necessarily resort to the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 or Board Standing Orders for resumption of the land. Till then, if the petitioner is in possession of the land, she cannot be dispossessed. However, the learned Assistant Government Pleader submits that the petitioner is not in possession of the land. Therefore, it could be better to order *status quo* as on today and further leave the matter to the respondents to take action for allotment of the land, duly considering the representation dated
27-12-2005 made by the petitioner.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

31st January, 2006.

Note: Issue CC by 06-02-2006.

B/o

ghn